

Minutes Open Session	Monthly Board Meeting	Date: June 19, 2014
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Board members present

Francis Johnston, President, Public Member
 Dave Connolly, Vice President, Public Member
 Capt. Joe Long, Pilot Member
 Capt. Steve Roberts, Pilot Member
 Ben DeAlba, Ex Officio Member designee of the Secretary of the California State
 Transportation Agency

Board member absent

John Schneider, Public Member

Staff present

Allen Garfinkle, Executive Director
 Roma Cristia-Plant, Assistant Director
 Dennis Eagan, Board Counsel
 Kelly Dolcini, Staff Services Analyst
 Sigrid Hjelle, Office Technician

Others present

Capt. Pete McIsaac, Port Agent

Public present

Pacific Merchant Shipping Association (PMSA) Vice President Michael Jacob; Mr. George Nowell; San Francisco Bar Pilots (SFBP) Capts. Bill Greig, Zach Kellerman, Einar Nyborg; SFBP Business Director John Cinderey; and, SFBP General Counsel Ray Paetzold.

1. Call to order and roll call

President Johnston called the Board meeting to order at 9:30 a.m. Staff Services Analyst Kelly Dolcini called roll and found that a quorum had been established.

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2. Approval of minutes of the May 22, 2014 Board meetings

Board members were presented with the minutes of the May 22, 2014, meeting for approval.

MOTION: Commissioner Long moved to approve the May 22, 2014 minutes. Commissioner Roberts seconded the motion.

ACTION: The motion passed unanimously on a voice vote.

3. Announcements

President Johnston announced that Commissioner John “Jack” Brooks had resigned from his Board duties due to health and family reasons effective May 27, 2014.

He also announced that he had attended a Propeller Club luncheon in Alameda on May 22, 2014, as well as a U.S. Coast Guard change of command ceremony, on Coast Guard Island, on June 5, 2014.

4. Board member activities

There were no reports

5. Executive Director’s report

Correspondence and activities since the last meeting:

Executive Director Garfinkle gave a report of the correspondence received by the Board since the March meeting as follows.

Mr. Garfinkle reported that he met with Capt. Rene Peinado on May 27, 2014. The meeting concerned the settlement Mr. Peinado entered into with the Board in 1996 related to the Pilot Trainee exam. In an effort to comply with the settlement requirements, Mr. Peinado presented Mr. Garfinkle with his license, endorsements and training certificates, and a listing of his sea time from 2002 to 2013, which appeared to document that he had worked 315 days as a Chief Mate and 73 days as a Master. The 1996 settlement calls for, among other things, 250 days sea time as master, which was insufficient to trigger action by Board staff. Mr. Peinado requested

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a writing to document the discussion, and on May 28, 2014 a letter documenting the Executive Director’s determination that Capt. Peinado did not have sufficient command time to meet the terms of the 1996 settlement agreement was drafted and sent to Mr. Peinado.

On May 29, 2014, Board staff received word National Transportation Safety Board Member Rosekind had mentioned the Board in his blog, titled “Learning More About Safety Operations in Different Modes.” In the blog, he stated “I had the opportunity to witness an unprecedented safety operation in the San Francisco Bay when the Board of Pilot Commissioners and others conducted an emergency towing exercise involving an ultra-large container vessel in the shipping channel. The towboats secured an immense cargo ship that was simulated to be dead-in-the-water and brought her to safety away from the shipping lanes and out of harm’s way. It was a unique opportunity to see some of the day-to-day safety work of the Bay pilots and hear firsthand about their efforts to make shipping safer in the biggest estuary in America and one of the three largest U.S. ports in the Pacific.” Mr. Garfinkle clarified that the Board did not conduct the safety exercise, and that he was an observer along with Member Rosekind.

Also on May 29, 2014, Board staff received a copy of PMSA’s comments in support of the Fair Political Practices Commission’s (FPPC) order to add Port Agent to the conflict of interest code of the Board of Pilot Commissioners.

One May 30, 2014, Board staff received a copy of a letter from Commissioner Brooks to Governor Edmund G. Brown, Jr. resigning from the Board, effective May 27, 2014.

On June 4, 2014, Mr. Garfinkle was notified by Vice President Connolly about a presentation in San Francisco by Marco Pluijm at the PIANC, the United States national section of the World Association for Waterborne Transport Infrastructure. The presentation was by a joint Bechtel/industry group on Research on Passing Effect on Ships (ROPES). He explained the ROPES research project was carried out over three years and investigated the impact of waves when ships move in and out of ports, and that in recent years, the size, speed, and power of ships have increased dramatically, creating larger wash. Lastly, he reported the study was conducted in multiple phases that included extensive computer simulation, scale modeling and full-scale testing in the port of Rotterdam. Mr. Garfinkle stated that he initiated an e-mail dialogue with Mr. Pluijm about the software developed from the research, and was informed it will be available exclusively to joint industry partners for the first three years, and thereafter will be made available to the public.

On June 6, 2014, Board staff received a copy of a letter from President Johnston to Commissioner Brooks thanking him for his service to the Board, and expressing his best wishes.

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On June 6, 2014, Mr. Garfinkle received a letter from Port Agent Capt. Pete McIsaac concerning the toxicological testing requirements of Title 7, Section 217.15(e) of the California Code of Regulations (CCR) and memorializing that the SFBP has requested guidance as to the specific drugs testing panel and respective concentration levels. The letter acknowledged that Board staff is seeking clarification from the medical evaluation contractor, University of California, San Francisco Campus (UCSF), and the Medical Review Officer, Dr. Robert Kosnik. The letter states that, in the interim, the SFBP will continue testing for dangerous drugs as specified by the U.S. Department of Transportation.

On June 9, 2014, Mr. Garfinkle reported that the Selection Appeal Committee (Commissioner Long, Chair, and members President Johnston and Vice President Connolly) met to consider an appeal by Capt. Andrew Efthimiadis of a decision by Mr. Garfinkle to reject his application for the upcoming Pilot Trainee examination. Mr. Garfinkle explained to the Committee the reasons Mr. Efthimiadis' application was rejected. Following a full discussion, the Selection Appeal Committee voted to affirm the application rejection determination. The findings of the Committee were included in the Board member materials.

On June 11, 2014, Board staff received a copy of the Board's reply brief to the FPPC General Counsel concerning the General Counsel's order for the Board to include the Port Agent in its conflict of interest code. Copies of the reply brief were included in Board member binders.

On June 12, 2014, Mr. Garfinkle attended the June Harbor Safety Committee meeting held at the Port of Oakland. A report on the ultra-large container ship drill, attended by NTSB Member Rosekind, was delivered.

On June 13, 2014, Assistant Director Roma Cristia-Plant and Mr. Garfinkle met with staff at the University of California, San Francisco (UCSF) to initiate the new medical assessment regulations required by 7 CCR, §217 and the interagency agreement with UCSF. Present at the meeting from UCSF were Dr. Robert Kosnik, Medical Review Officer, Erin Anderson, Administrative Director, and Barret Bestard, Administrative Liaison. Also present at the meeting were Knute Michael Miller, Chairman of the Pilot Fitness Committee, and Ray Paetzold, SFBP General Counsel.

On June 17, 2014, Mr. Garfinkle attended a development session for the simulator portion of the upcoming Pilot Trainee exam to be held the week of June 23, 2014. He indicated that exam preparations are nearing completion, and he projects a successful exam week.

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Board Licensing:

Mr. Garfinkle stated that between the April and May Board meeting staff renewed licenses for Captains Livingstone, Weiss, McCloy and Chapman.

Since the May Board meeting, staff renewed licenses for Captains Wehr, Long, Wainwright, Fawcett, Larwood, Kenyon, Cloes, Haggerty, Carr, Alden and Nyborg.

Board Surcharges:

Mr. Garfinkle reported that the Board received a check for \$148,561.99 for surcharges collected by the SFBP, which included the following:

Board Operations Surcharge: \$36,839.49

Continuing Education Surcharge: \$57,787.50

Trainee Training Surcharge: \$53,935.00

Legislative Matters:

There has been no legislation affecting the Board since last meeting.

Contractual Matters:

Assistant Director Roma Cristia-Plant reported that she met with California Highway Patrol (CHP) contract staff Loretta Maddux and her supervisor Patricia Gamoning on June 9, 2014, to discuss the status and outstanding issues related to Board contracts. Overall, the meeting was very fruitful and monthly or bi-monthly meetings will continue to ensure timely processing of Board contracts.

Ms. Cristia-Plant reported that the contract extension with Artelia Eau & Environment was signed by the contractor and received by CHP on June 16, 2014, and is expected to be executed by the Department of General Services (DGS) before the end of the month.

Ms. Cristia-Plant reported that an invitation for bid (IFB) for investigative services was disseminated by CHP and posted to the Bidsync website on Monday, June 16, 2014. The IFB was also sent to the four investigator contractors. The bids are due June 27, 2014. With the current contracts expiring on June 30, 2014, and new investigator contracts likely to be

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completed mid to late June, she also indicated that procedures are in place for Executive Director Garfinkle to retain investigator services under an emergency contract, if necessary.

Ms. Cristia-Plant indicated that staff will resume working with CHP on completing the procurement process for the next manned model training provider, and that the preparation of a Request for Interest (RFI) to send to potential manned model training providers is nearing completion. Upon receipt and analysis of the RFI, staff will work with CHP to develop a Request for Proposal to select the new training provider. She indicated a new timeline would be established at the next CHP meeting.

Ms. Cristia-Plant stated that work has begun on a template for Pilot Trainee contracts. She apprised the Board that she has had discussions and obtained information from CHP, DGS and former Transportation Agency counsel Gabor Morocz about trainee contracts, and noted that there was prior agreement among the group that Pilot Trainee contracts are not standard state employment or services contracts, and that these contracts should be directly between the Board and the trainee. She indicated that she has a draft of a trainee contract template prepared by former Counsel Morocz, and that she will start working on updating it for Board Counsel and Executive Director review and final approval.

Ms. Cristia-Plant further reported that she is working with CHP staff on template special terms and conditions to be applicable to all Board contracts.

After the Executive Director and Assistant Director reports were presented, Vice President Connolly asked if Mr. Garfinkle could expand on the Bechtel ROPES software. Mr. Garfinkle reported that he had not seen the software at work and is unsure about its use, but that he is endeavoring to gain some knowledge of the program. Vice President Connolly wondered how it could be used by the Board. Capt. McIsaac responded that the SFBP reviewed the ROPES software about four years ago, and concluded that it appeared to be more of a predictive tool for port design and not necessarily useful to the SFBP.

Vice President Connolly further inquired about the installation of air gap sensors on the D-E span of the Bay Bridge, a new navigation tool that measures clearance between the water surface and the bridge relative to changes in water level, volume of traffic crossing the bridge and air temperature, all of which cause bridge clearance to fluctuate. Capt. McIsaac responded that the installation is expected to be finished by August 1, 2014. He also noted that the California Department of Transportation will shut the southernmost lane to install the sensor.

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6. Port Agent's report

Capt. McIsaac reported that there were four (4) pilots absent for medical reasons (AFMR) during the month of May.

He stated the SFBP continually monitors the dispatch list for possible minimum rest period (MRP) exceptions, and that mitigating measures are employed if potential MRP exceptions are likely to result in a rest period of less than 10 hours. He reported the mitigating measures include, but are not limited to, suspending continuing professional development protocols, cancelling scheduled meetings, cancelling previously granted compensating time off requests, suspending SFBP internal working rules, or calling in off-watch pilots.

Despite very active management of pilot scheduling, there were 47 MRP exception's during the month of May, principally due to the following factors:

- There are 58 licensed pilots, which is two less than the 60 authorized.
- The number of assignments was up 9.3% when compared to the first 5 months of 2013.
- There were 47 river moves and multiple two-pilot assignments, which pressure the dispatch board.
- Three to four AFMR pilots were off the work roster, along with six or more pilots out for multiple days of training.

Capt. McIsaac reported that the P/V CALIFORNIA was dry-docked on June 2, 2014, for annual inspection and maintenance. During inspection, wastage in the hull plating was discovered and will be cropped out and replaced. The vessel is expected to be back in service on June 25, 2014.

Compared to 2013 year-to-date, total moves were up 9.3% and gross registered tonnage (GRT) was up 9.5%. Compared to a year-to-date three-year average: bar crossings were up 3.6% at 606; bay moves were up 19.5% at 116; there were 47 river moves, an 18.9% increase; there were 769 total moves, a 6.7% increase; and, GRT was up 9.5% at 32,431,051 tons.

Vice President Connolly expressed his concerns about the number of MRP exceptions, noted that the Board is responsible for fatigue management as required in § 1102 of the Harbors and Navigation Code. He inquired about the SFBP's internal procedures for reducing MRP exceptions, and whether the mitigation measures are effectively monitoring and controlling fatigue. He also asked if the SFBP tracked the quality of rest. Capt. McIsaac reported that when an MRP exception is anticipated, the pilot work schedule is changed to reduce potential exceptions when possible, and that the high number of exceptions for May was also due to

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many pilots being away at training or off the work board due to pilot trainee exam preparations. He further stated that the SFBP does not track quality of rest, only the opportunity of time off the dispatch board for rest.

Commissioner Roberts added that much information has been collected and reviewed over the years regarding pilot fatigue, noting that most recently the SFBP has been reviewing procedures in house and that the Pilot Fitness Committee will be pursuing the fatigue study and related regulations as required in Senate Bill 1408.

President Johnston confirmed with Capt. McIsaac that there was nothing confidential to discuss in a closed session.

7. Pilot Evaluation Committee

Capt. Einar Nyborg gave a report on Pilot Evaluation Committee (PEC) activities since the last Board meeting. He reported that the written Pilot Trainee Training Program exam would be administered on Monday, June 23, 2014, followed by the simulation portion of the exam for those applicants who passed the written portion. He confirmed that the Pilot Trainee exam will mark the culmination of over a year of work on the part of PEC, Board staff, California Maritime Academy staff, and many pilot volunteers, and that to date, pilots have contributed more than a 130 pilot days to the project, and that this pilot effort represents time taken away from piloting duties or from pilot days off.

He reported that the PEC met on June 18, 2014, while both trainees attended manned model training at Port Revel. The current trainees include Samuel D’Aloisio, and Cevan LeSieur. Their time in the program ranges from 15 to 16 months and both trainees are progressing well at this time.

Capt. Nyborg reported that at its June 18, 2014, meeting, the PEC completed a final assessment to determine if trainee Captain D’Aloisio had successfully completed all elements of the training requirements in the Board’s regulation contained in 7 CCR, § 214(c) and (h). Capt. Nyborg stated that Capt. D’Aloisio entered the Pilot Training Program on March 1, 2013, and as of June 18, 2014, Capt. D’Aloisio had a total of 523 training jobs with the San Francisco Bar Pilots, 144 jobs were as observer, 379 jobs were handled or partially handled while Capt. D’Aloisio directed the navigation and control of the vessel under the direct supervision of a San Francisco Bar Pilot.

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Capt. Nyborg also stated that Capt. D’Aloisio had worked extensively with the PEC during his time as a pilot trainee, completing 110 PEC trips, 39 of which were in the last 90 days. As required by regulation, Capt. D’Aloisio maintained an average score over 4.0 in each of the last 3 months as assigned by PEC members, resulting in a 3-month average score of 4.37.

Capt. Nyborg further stated the PEC used detailed trip reports and personal observations to ensure Capt. D’Aloisio demonstrated a working knowledge of the fundamentals of ship handling in each of the categories listed in subsection 214(c) and (h) of the regulations, and has demonstrated the skills and knowledge necessary to become a Board licensed pilot. Capt. Nyborg affirmed that it was the unanimous decision of the PEC that Capt. D’Aloisio had successfully completed the Pilot Trainee Training Program, and that the PEC unanimously agreed in this matter and authorized Capt. Nyborg to present a recommendation to the Board that trainee Capt. Sam D’Aloisio be issued a certificate of completion of the Pilot Trainee Training Program effective June 19, 2014.

MOTION: Vice President Connolly moved that Capt. D’Aloisio be issued a certificate of completion for the Pilot Trainee Training Program effective June 19, 2014. Commissioner Long seconded the motion.

ACTION: The motion passed unanimously on a voice vote.

Mr. Garfinkle then reported that he had received an application for a state license and a Fit For Duty medical assessment for Capt. D’Aloisio, as well as a copy of his 1600 ton federal license with pilotage endorsements for San Francisco Bay and its tributaries. Mr. Garfinkle went on to note that the Board is two licenses shy of the 60 allowable and that there is an opening in the San Francisco Bar Pilots. He recommended that the Board grant a license to Capt. D’Aloisio.

MOTION: Commissioner Roberts moved that the Board issue a pilot license to Capt. D’Aloisio on June 30, 2014, upon his return from manned model training. Commissioner Long seconded the motion.

ACTION: The motion passed unanimously on a voice vote.

Mr. Garfinkle thanked Capt. Nyborg and Port Agent McIsaac for their efforts and the efforts of other pilots to ensure a successful Pilot Trainee exam, that is anticipated to result in a list of very qualified candidates. President Johnston also thanked Capt. Nyborg for his trainee exam and trainee oversight efforts.

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8. Reported safety standard violations

There have been no safety standard violations since the last meeting.

9. Reportable piloting events

On November 29, 2013, there was an interaction between the M/V ESSEX STRAIT and the M/T CHAMPION EXPRESS in the Port of Stockton. The M/T CHAMPION EXPRESS alleged gangway damage as a result of the interaction. The 90-day deadline for reporting on the incident occurred on February 27, 2014; however, due to the resignation of RADM Brooks coupled with the absence of Commissioner Schneider, a quorum was not present for hearing from the Incident Review Committee. The incident will be presented at a future Board meeting at which a quorum is present.

On May 15, 2014, the TUG Z FIVE was involved in an allision with the Union Pacific Railroad Bridge fendering system while taking part in a dead-ship tow of the USNS PONCHATOULA while transiting from the Reserve Fleet to Mare Island. Mr. Garfinkle apprised the Board that he had received the pilot's incident statement and had requested a copy of an incident investigation report from the United States Coast Guard. He also indicated that he did not assign an investigator to this incident since the ship was unmanned at the time of the incident. Mr. Garfinkle stated that it is his intent to interview the tug operators, and that the Union Pacific Rail Road has sent a diver down to inspect the damage to the fendering system. The 90-day deadline for reporting to the Board for this incident is August 13, 2014. The incident will be presented to the Board at a future meeting at which a quorum is present.

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10. Finance Committee

Commissioner Roberts presented the Finance Committee report on behalf of Commissioner Schneider, and reported to the Board that the Finance Committee met on June 3, 2014. He indicated that, as was discussed under agenda item 6, Capt. D’Aloisio has completed his training, putting the number of active pilots at 59. The Committee recommended raising the pilotage mill rate relative to the number of licensed pilots as of July 1, 2014, and since it is projected that there will be 59 pilots on July 1, 2014, the Finance Committee recommended increasing the bar pilotage rate from .09118 to .09181 per high gross registered ton consistent with 59 total pilots, with the draft foot rate to remain at \$10.26.

MOTION: Commissioner Roberts moved to raise the mill rate from .09118 to .09181. Vice President Connolly seconded the motion.

ACTION: The motion passed unanimously on a voice vote.

Commissioner Roberts went on to report to the Board that the Finance Committee reviewed all surcharges, and while they do not recommend any change to the Board Operations Surcharge, the Pilot Vessel Surcharge, and the Trainee Training Surcharge, they do recommend that the Continuing Education surcharge be reduced from \$75/move to \$50/move, due to a surplus of funds.

MOTION: Commissioner Roberts moved to reduce the continuing education surcharge from \$75 to \$50 per move, and retain the current surcharge amounts for the Board Operations Surcharge, the Pilot Vessel Surcharge, and the Trainee Training Surcharge. Commissioner Long seconded the motion.

ACTION: The motion passed unanimously on a voice vote.

11. Low Sulfur Fuel

Mr. Garfinkle gave the Office of Spill Prevention and Response Low Sulfur Fuel report. He reported that there were five (5) loss of propulsion incidents during the month of May, 2014. Of those incidents, one was determined to be related to fuel switching and three were suspected to be related to fuel switching.

Commissioner Connolly asked if information was available on loss of propulsion incidents that occurred in the Bay. Mr. Garfinkle shared a report prepared by the Coast Guard, which was

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presented to the Harbor Safety Committee and listed loss of propulsion incidents in the Bay area in May, 2014.

12. Implementation of Pilot Fitness Regulations

Mr. Garfinkle reported that he and Ms. Cristia Plant met with staff at UCSF to discuss the pilot medical assessment interagency agreement. He named some of the UCSF staff that would be participating in the medical exams and fitness determinations process, and further reported that it is his intention for Board staff to provide each pilot with a handout that will explain the process and provide instructions for obtaining a medical assessments and fitness determinations in the near future.

13. Review and discuss the San Francisco Bar Pilots’ request and supporting documentation for a necessity Determination and Preliminary Authorization pursuant to Title 7, California Code of Regulations Section 236.1 to recover the pilots’ cost for service life extension modifications to the 26-year old P/V PITTSBURG.

SFBP General Counsel Ray Paetzold submitted and discussed a letter from Port Agent Capt. Pete McIsaac to President Johnston regarding a service life extension for the P/V PITTSBURG.

The purpose of the letter was to request a Necessity Determination and Preliminary Authorization, the first of a three-step authorization process, to obtain funding from the Pilot Boat Surcharge to recover the pilots’ cost of funding design, engineering and capital improvement modifications for the purpose of extending the service life of the P/V PITTSBURG by 10 years, at an approximate cost of \$158,000. The letter indicated that the current cost of a new replacement pilot vessel boat is roughly \$500,000. The letter included a background of the boat usage and condition, a description of the proposed service life extension modifications, a cost estimate breakdown, a timeline, a cost for the interim use of a charter boat, a financing plan, and performance specifications of the proposed new engines. The vessel improvement work is projected to begin July 11, 2014, and be finished in approximately one month.

Mr. Paetzold also informed the board that the SFBP has applied for a Carl Moyer grant from the California Air Resources Board to cover up to 85% of the replacement engine costs.

Commissioner Connolly requested input from the shipping industry on the SFBP’s request. Both Mr. Paetzold and Port Agent McIsaac confirmed for Commissioner Connolly that the

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SFBP had reviewed the request with Mr. Jacob of PMSA. Mr. Jacob also confirmed that he was included in the discussions of the review and analysis of the request for Necessity Determination and Preliminary Authorization, and stated that the request is exactly what the legislation contemplated.

Commissioner Long suggested that the Board consider creating a committee to review and approve the capital improvements installed, and the final costs, if the request for Necessity Determination and Preliminary Authorization are approved by the Board.

Board Counsel Eagan queried if there was sufficient analysis of the cost of paying for service life extensions to the P/V PITTSBURG as compared to the cost of a new \$500,000 boat, including the salvage value of existing pilot boat, taking into consideration that a new boat would have a longer remaining useful life. Mr. Paetzold responded that the salvage value of the P/V PITTSBURG is estimated to be approximately \$65,000 and, after broker payments, the SFBP would net only about \$50,000. Mr. Paetzold confirmed that a new pilot boat would have a longer useful life, but that the conclusion was that it was more cost effective to spend approximately \$160,000 on repairs to the existing boat, especially considering that a significant portion of the repairs may be financed from grant funds. He confirmed that the SFBP's consultant indicated that there isn't any grant funding available for the purchase of new pilot vessels.

Mr. DeAlba suggested that the SFBP inquire into whether grant funding may be available from the Diesel Emissions Reduction Act grant program, which is administered by US EPA.

After further discussion, it was decided that the motions for the request for a Necessity Determination and a Preliminary Authorization be made separately.

MOTION: Commissioner Roberts moved that the Board approve a Necessity Determination that service life extension modifications are warranted for the P/V PITTSBURG. Vice President Connolly seconded the motion.

ACTION: The motion passed unanimously on a voice vote.

MOTION: Commissioner Roberts moved that the Board approve the Preliminary Authorization for the SFBP to recover the costs for modifications to P/V PITTSBURG in an amount to be determined by the Board at the time of its Final Authorization. Commissioner Long seconded the motion.

ACTION: The motion passed unanimously on a voice vote.

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MOTION: Commissioner Roberts moved that the Board appoint a Pilot Vessel Advisory Committee, and to authorize President Johnston to select the members of the committee. Vice President Connolly seconded the motion.

ACTION: The motion passed unanimously on a voice vote.

President Johnston subsequently called for volunteers or suggestions for the Pilot Vessel Advisory Committee members, and selected Commissioner Schneider, PMSA Vice President Mike Jacob and SFBP Capt. Bill Greig.

14. Report on Public Records Act Litigation

Board Counsel Eagan indicated there was no report, but requested a closed session to discuss matters of attorney-client privilege related to Public Records Act litigation: Pacific Merchant Shipping Association vs. BOPC and Peter McIsaac as Port Agent, Writ of Mandate.

15. Report on Fair Political Practices Commission decision to include Port Agent in Board’s Conflict of Interest Code. Possible Board action.

Mr. Eagan reported that the Board has filed an appeal with the Fair Political Practices Commission (FPPC) regarding the determination of its General Counsel that the Port Agent should be included in the Board’s conflict of interest code, and that the appeal will be considered at the FPPC meeting to be held on July 17, 2014.

16. Incident Review Committee report on the M/V ESSEX STRAIT – President Johnston and Executive Director Garfinkle

President Johnston, as a member of the Incident Review Committee (IRC), recused himself from Board consideration of IRC items. Consideration of this item was postponed due to a lack of quorum.

17. Public Comment on Matters Not on the Agenda

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Pilot Fitness Committee Chairman Knute Michael Miller requested that Board staff poll members of the Committee regarding availability in July for discussion of the trial actigraphy results and a budget change proposal for funding of the upcoming pilot fatigue study. Ms. Cristia-Plant reminded the Board that any budget change proposal to request study funding in the 2015-2016 fiscal year will need to be presented to the California State Transportation Agency no later than mid-August.

18. Proposals for Next Month’s Agenda

Vice President Connolly expressed his desire to include in future agendas a standing “best practices” agenda item so that best practices can be discussed following an incident or near-miss.

RECESS: 11:35 a.m.

RESUME OPEN MEETING: 11:45 a.m.

The Board then went into closed session to discuss agenda item 14.

BEGIN CLOSED SESSION: 11:45 a.m.

END CLOSED SESSION: 12:10 p.m.

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It was noted that a quorum was present during the closed session. There was no report out of closed session.

RESUME OPEN MEETING: 12:10 p.m.

19. Adjournment

There being no further business before the Board, the meeting was adjourned at 12:11 p.m.

Allen Garfinkle, Executive Director

Prepared by: Kelly Dolcini